

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, SEPTEMBER 5, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of September 5, 2001 was called to order by Mayor Nakanishi at 6:02 p.m.

Present: Council Members – Hitchcock (arrived at 6:08 p.m.), Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective acquisition of real property located at 541 East Locust Street, Lodi, California (APN 043-202-14); the negotiating parties are City of Lodi and Pete and Helen Perlegos; Government Code §54956.8
- b) Actual litigation: Government Code §54956.9(a); one case; Leatha L. Gotte vs. City of Lodi, San Joaquin County Superior Court, Lodi Branch, Case No. LC 31748
- c) Prospective acquisition of real property located at 1575 East Victor Road, Lodi, CA (APN 049-040-07); the negotiating parties are City of Lodi and John Taylor Fertilizers Co.; Government Code §54956.8.
- d) Prospective sale of real property located at 600 South Guild Avenue owned by City of Lodi, California (APN 049-250-62); Government Code §54956.8

C-3 ADJOURN TO CLOSED SESSION

At 6:02 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matters.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting, and City Attorney Hays disclosed the following actions.

In regard to item C-2(d), the City Council authorized staff to draft a purchase contract for real property located at 600 South Guild Avenue.

In regard to item C-2(a), the City Council authorized staff to negotiate the purchase of real property located at 541 East Locust Street.

In regard to item C-2(c), the City Council authorized staff to obtain an appraisal and negotiate purchase of real property located at 1575 East Victor Road.

In regard to item C-2(b), the City Council authorized staff to negotiate a settlement in the case of Leatha L. Gotte vs. City of Lodi.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 5, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Chuck Springer, Calvary Bible Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Community Improvement Manager Joseph Wood announced that Greg and Jana Taylor, property owners of 208 E. Tokay Street were selected for the Community Improvement Award in recognition for their contribution to the improvement of Lodi.

D-2 (a) Mayor Nakanishi presented a proclamation to Susan de Polo with San Joaquin A+ proclaiming the week of September 10 – 16, 2001 as “San Joaquin County Reads Week” in the City of Lodi.

D-2 (b) Management Analyst Janet Hamilton reported that the City participated in a joint feasibility study with San Joaquin County, in which it was determined that the single most effective component to solving pet overpopulation was an aggressive spay and neuter program.

Mayor Nakanishi presented a proclamation to Animal Services Officer Terri Arbuckle proclaiming the week of September 17 – 28, 2001 as “San Joaquin County Spay and Neuter Days” in the City of Lodi.

Ms. Arbuckle explained that the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy have joined in a partnership to find solutions to pet overpopulation. In San Joaquin County alone, 17,000 animals are euthanized each year in animal shelters.

D-3 (a) Pat Stockar, member of the Lodi Arts Commission, provided an update on the activities and accomplishments of the Arts Commission.

D-3 (b) Mayor Nakanishi presented a Certificate of Recognition to the Lodi City Employees Association (LCEA) and its board members in appreciation for its continued hard work and service to the employees of the City of Lodi. Accepting the Certificate was LCEA President, Linda Tremble, and LCEA Treasurer, Greg Ramirez. Mr. Ramirez reported that the LCEA was formed in February 1972 as a social organization designed to promote positive interaction between City employees. Events and activities are funded through annual dues of \$36 and one fundraiser event.

D-3 (c) Rob Lechner, Manager of Customer Programs, presented an update regarding Public Benefits Programs for low-income customers. The Lodi Single Household Alternative Rate for Energy (SHARE) program provides a 20% electric rate discount for low-income families. The Lodi Helping Hand project offers a \$1,400 grant to qualifying families for free air duct inspection and repair, attic insulation, and outdoor security lights. Low income is defined as: \$18,200 maximum annual household income for 1-2 persons; \$21,500 for a 3 person household; and an additional \$4,300 per year for each person in a household of 4 or more. Mr. Lechner reported that when the SHARE program increased from 10% to 20% a year ago, the participants increased by three-fold.

E. CONSENT CALENDAR

Council Member Howard commented on Item E-6 noting that it includes not only landscaping, irrigation, and installation, but also the cost of improving the frontage on the east side of Hutchins Street between Century Boulevard and Mendocino Drive, as well as access into the Vineyard shopping center.

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Pennino, Howard second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$7,591,209.59.

- E-2 The minutes of July 18, 2001 (Regular Meeting), August 7, 2001 (Shirtsleeve Session), August 7, 2001 (Special Meeting), and August 21, 2001 (Special Meeting) were approved as written.
- E-3 "Approve plans and specifications and authorize advertisement for bids to construct a compressed natural gas station, and for fueling equipment at the Municipal Service Center, 1331 South Ham Lane" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-4 Approved the plans and specifications for bids to construct a wash bay at the Lodi Unified School District site, 820 South Cluff Avenue and authorized advertisement for bids.
- E-5 Approved the specifications for the White Slough Water Pollution Control Facility Chlorine Residual Analyzer Replacements and authorized advertisement for bids.
- E-6 Approved the specifications for Landscape and Irrigation Installation on the South Hutchins Street Median, from Kettleman Lane to Vineyard Drive, and authorized advertisement for bids.
- E-7 Authorized the use of GrapeLine buses November 3 and 4, 2001, as in-kind match for Sandhill Crane Festival.
- E-8 Amended the rental agreement with U.S. Pipeline, Inc., for the City property at 1314 East Lodi Avenue.
- E-9 Adopted Resolution No. 2001-208 authorizing the City Manager, H. Dixon Flynn, to Certify and Assure as the Designated Official (CAD), and authorizing the City Attorney, Randall A. Hays, to provide Legal Certification (CAL) to the Federal Transit Administration (FTA).
- E-10 Adopted Resolution No. 2001-209 approving destruction of certain files retained by the City Clerk's Office.
- E-11 Authorized the City Manager to execute a contract with Lodi-Tokay Rotary for the Lodi Kids New Year Night in the amount of \$15,000 (the event is scheduled for December 31, 2001 from 4:00 p.m. to 7:30 p.m.).
- E-12 Adopted Resolution No. 2001-210 authorizing the City Manager to extend the Lodi Cooling Cash Rebate Program in the amount of \$75,000.
- E-13 Adopted Resolution No. 2001-211 authorizing the City Manager to extend the Lodi Air Duct Testing & Attic Insulation Rebate Program in the amount of \$125,000.
- E-14 Adopted Resolution No. 2001-212 authorizing the City Manager to extend the Lodi Small Business Energy Services Partnership in the amount of \$50,000.
- E-15 Adopted Resolution of Intention No. 2001-213 to abandon Pleasant Avenue, from Elm Street north to the alley, referred the matter to the Planning Commission, and set a Public Hearing for October 3, 2001.
- E-16 Set Public Hearing for October 3, 2001 to consider the technical equipment purchase proposal for the Local Law Enforcement Block Grant Program.
- E-17 Set Public Hearing for October 3, 2001 to consider updating development impact fees for water, wastewater collection, storm drainage, streets, police, fire, parks and recreation, and general City facilities, and to consider amendments to Title 15, Section 64, of the Lodi Municipal Code.
- E-18 Set Public Hearing for October 3, 2001 to consider adopting a resolution approving adjustments to water and wastewater rates as described in Tables A and B (filed).

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-3 "Approve plans and specifications and authorize advertisement for bids to construct a compressed natural gas station, and for fueling equipment at the Municipal Service Center, 1331 South Ham Lane"

In reply to Council Member Hitchcock, Public Works Director Prima reported that staff is beginning to explore the possibility of forming a partnership with Flame Liquor Store, which has a fueling station adjacent to the Municipal Service Center. Currently there is only one other station in Lodi that sells compressed natural gas and there have been indications that it may be closing.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously approved the plans and specifications for bids to construct a compressed natural gas station, and for fueling equipment at the Municipal Service Center, 1331 South Ham Lane, and authorized advertisement for bids.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Judy Kosaka stated that she has lived on Lockeford Street for 48 years. The street was repaved approximately 15-20 years ago and ever since that time there has been a flooding problem during the rainy season. Ms. Kosaka has contacted the City about the problem throughout the years; however, nothing has been done. She stated that the streets of Mariposa Way and Westwood Avenue also flood.

Council Member Land asked the City Manager to look into the situation, and for Public Works to provide a report to Council on the problem and what corrective measures can be taken.

- Shirley Collins announced that she has lived on Lockeford Street for two years and stated that flooding is a problem on the street from Ham Lane to Mills Avenue. A neighborhood committee has been formed to address this issue, because the City's response has been very slow. She stated that the flooding and high rate of speed that vehicles travel on the street create a safety problem, and hoped that a stop sign would be placed in the area.

Council Member Land addressed the City Manager and stated that the Council should be informed when several citizens contact the City about a similar problem.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider adopting a resolution approving the procedures for the election of members to redevelopment project area committee in the City of Lodi.

NOTE: Council Member Hitchcock distributed a conflict of interest disclosure statement (filed) in accordance with California Health and Safety Code Section 33130 (a) and Title 2, California Code of Regulations Section 18704.2 (a) (4), and abstained from discussion and voting on this matter.

Community Development Director Bartlam explained that this item is closely related to Item I-1 on the Regular Calendar. A Project Area Committee (PAC) is a broad interest group representing the redevelopment project area to give advice to the Agency on goals and objectives of the redevelopment plan. The procedures for the election of PAC members to the redevelopment project area committee are from state redevelopment law and there is virtually no discretion on the part of the Agency or the Council.

In response to Council Member Howard, Mr. Bartlam reported that the PAC would consist of nine members. He anticipated that it would meet once every two weeks initially and then once a month toward the end of spring. The PAC will dissolve once the redevelopment plan is adopted, which he estimated could take place by late spring or early summer 2002.

In reply to Council Member Land, Mr. Bartlam stated that an informational notice will be mailed out tomorrow to every property owner, occupant, group, and organization in the project area, which encompasses 1,100 acres.

Mayor Pro Tempore Pennino pointed out that elections are the responsibility of the City Clerk's Office, in part, for the purpose of ensuring that the process is administered by a neutral party.

Mr. Bartlam replied that he had anticipated his department conducting the election, due to having a larger number of staff.

City Attorney Hays explained that the PAC election is not governed by the California Elections Code and stated that it is not unusual for the Redevelopment Agency staff to handle the selection of members.

Council Member Land supported allowing the Community Development Department to handle the PAC election.

Mayor Pro Tempore Pennino asked that the City Clerk's Office be involved in the PAC election to ensure that the procedures are followed.

Council Member Howard agreed that the election process falls under the responsibility of the City Clerk's Office.

Hearing Opened to the Public

- a) Wilbert Ruhl stated that he was speaking on behalf of himself, the Land Utilization Alliance, and Georgianna Reichelt. They believe there are many problems inherent to the redevelopment project and feel the process should be postponed to allow more time for landowners to understand its potential impact. He declared that property values would decrease once the redevelopment project area is adopted. He asked whether the County has approved the redevelopment plan and if bare land is included in the project area.

Mayor Nakanishi recalled that he was the only Council Member to oppose redevelopment, as he was concerned about its risk and eminent domain issues.

Council Member Howard stated that the PAC will be represented by members from the following categories: two members from residential owner-occupants; two members from residential tenants; two members from business owner-tenants; two members from business owner-property owners; and one member representing an existing community organization. She stated that this representation would allow all interests to be heard and discussed as a group.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, adopted Resolution No. 2001-214 approving procedures for the election of members to project area committees in the City of Lodi. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Hitchcock

H. COMMUNICATIONS

- H-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Land, Howard second, unanimously rejected the following claim:
- a) Dawn Raqueno for Jacob Albert Torres, date of loss 2/12/01
- H-2 The following report was presented to the City Council:
- a) Planning Commission report of August 8, 2001
 - b) Planning Commission report of August 22, 2001
- H-3 The following postings/appointments were made:
- a) The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously made the following reappointments/appointments:
 - Lodi Arts Commission
 - Laura Heinitz Term to expire July 1, 2004
 - Robin Knowlton Term to expire July 1, 2004
 - San Joaquin County Emergency Food and Shelter Board
 - Paul E. Tarbell Unspecified term limit
- H-4 Miscellaneous
- a) Received the Monthly Protocol Account Summary through August 31, 2001 (filed).

I. REGULAR CALENDAR

- I-1 "Adopt resolution approving procedures for the formation of a project area committee for the Lodi Redevelopment Project No. 1"

NOTE: Council Member Hitchcock distributed a conflict of interest disclosure statement (filed) in accordance with California Health and Safety Code Section 33130 (a) and Title 2, California Code of Regulations Section 18704.2 (a) (4), and abstained from discussion and voting on this matter.

Community Development Director Bartlam explained that this item will set forth the procedure to form a Project Area Committee (PAC) for the City's first redevelopment project area. The Council has discretion in determining the number of members in each of the PAC categories. State law does not differentiate between business owners and business property owners. In order to get as wide an interest as possible, Mr. Bartlam recommended that this group be separated in two, as the residential categories are. The intent of the PAC is to give the Council recommendations and advice.

Council Member Howard spoke in support of the recommendation.

MOTION/ VOTE:

The City Council, on motion of Council Member Howard, Land second, adopted Resolution No. 2001-215 entitled, "A Resolution Of The Lodi City Council Approving And Adopting Procedures For The Formation Of A Project Area Committee For The Lodi Redevelopment Project No. 1." The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Hitchcock

- I-2 "Adopt resolution approving job specification and salary range for the position of Stage Technician (Community Center)"

Management Analyst Trainee Amy Flores reported that the position of Stage Technician will be in charge of the day-to-day operations of the Performing Arts Theater, the Thomas Theater, and related facilities at the Community Center. The position will also help to expand the number of performances offered by the Community Center. If approved, it will be placed in the Maintenance and Operators collective bargaining unit.

In response to Council Member Howard, Ms. Flores explained that the salary range for Stage Technician was aligned internally with the Arts Coordinator position that would serve as the supervisor.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously adopted Resolution No. 2001-216 approving job specification and the following salary range for the position of Stage Technician (Community Center):

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$2,909.59	\$3,055.07	\$3,207.83	\$3,368.22	\$3,536.63

- I-3 "Adopt resolution approving job specification and salary range for the position of Senior Traffic Engineer and reclassification of Associate Traffic Engineer to Senior Traffic Engineer"

Management Analyst Trainee Amy Flores reported that a classification study was conducted for the position of Associate Civil Engineer/Traffic. In accordance with the rules for personnel administration, the study revealed that the incumbent in this position had been performing duties outside the scope of her normal duties. It is recommended that the position of Associate Civil Engineer/Traffic be reallocated to Senior Traffic Engineer. If approved, the position of Associate Civil Engineer/Traffic would be eliminated. It is also recommended that the position be placed in the mid-management group.

In reply to Council Member Hitchcock, Ms. Flores affirmed that mid-management positions typically require four-year degrees.

Council Member Hitchcock commented that she would prefer that these items be included with the budget process so that all new positions are considered equally.

Council Member Land questioned Ms. Hitchcock's request, pointing out that she has voted against the budget in the past.

MOTION:

Mayor Pro Tempore Pennino made a motion, Land second, to adopt Resolution No. 2001-217 approving job specification and the following salary range for the position of Senior Traffic Engineer and reclassification of Associate Traffic Engineer to Senior Traffic Engineer.

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$4,998.93	\$5,249.03	\$5,511.43	\$5,787.15	\$6,076.20

DISCUSSION:

Council Member Hitchcock clarified that she was in favor of most aspects of the last budget; however, she was, and is, opposed to the City's ongoing debt.

VOTE:

The above motion carried by a unanimous vote.

J. ORDINANCES

None.

K. MEETING OF THE CITY OF LODI REDEVELOPMENT AGENCY

At 8:30 p.m., Mayor Nakanishi adjourned the City Council meeting to a meeting of the City of Lodi Redevelopment Agency in order to discuss the following item:

K-1 "Adopt resolution accepting the preliminary plan for Redevelopment Project No. 1"

Following call to order by Chairperson Nakanishi, Secretary Blackston recorded roll as follows:

Present: Members – Hitchcock, Howard, Land, Pennino and Chair Nakanishi

Absent: Members – None

Also Present: Executive Director Flynn, General Counsel Hays, and Secretary Blackston

NOTE: Member Hitchcock distributed a conflict of interest disclosure statement (filed) in accordance with California Health and Safety Code Section 33130 (a) and Title 2, California Code of Regulations Section 18704.2 (a) (4), and abstained from discussion and voting on this matter.

At the request of Mayor Nakanishi, Community Development Director Bartlam explained that the actions this evening of the City Council and Redevelopment Agency are the preliminary steps to establish a geographic project area for a portion of the City that needs focused attention in terms of public infrastructure, and encouragement for public and private investment in residential, business, and industrial property. Goals and objectives of the redevelopment plan will guide future decision makers as to how best to improve the area in terms of its economic value, both property and social – and make it a better functioning area of the community.

Mr. Bartlam reported that the preliminary plan for redevelopment project area no. 1 describes the area involved, which meets the definition of blight – either physical blight of public infrastructure, or economic blight such as vacancy rates, stagnation of property values, and sales taxes. The purpose of the preliminary plan is to put other agencies on notice that the City is going through the redevelopment process. The plan and legal description of the property boundary will be sent to the County Auditor/Controller, Tax Collector, various special districts, Mosquito Abatement, Flood Control, Water Resource Conservation District, School District, and the State Board of Equalization.

Council Member Land expressed support for the inclusion of the area along Lodi Avenue to Ham Lane into the redevelopment plan. He asked whether both moderate census tracks were included.

Mr. Bartlam confirmed that all the moderate-income census tracks were included, although they did cut through a census track in a couple of locations. The Agency takes in all of the target area for federal block grant assistance as well, which goes beyond the two moderate census tracks.

MOTION / VOTE:

The Redevelopment Agency, on motion of Member Pennino, Howard second, adopted Resolution No. RDA2001-01 accepting the preliminary plan for the Lodi Redevelopment Project No. 1. The motion carried by the following vote:

Ayes: Members – Howard, Land, Pennino and Chairperson Nakanishi

Noes: Members – None

Absent: Members – None

Abstain: Members – Hitchcock

L. RECONVENE CITY COUNCIL MEETING

At 8:40 p.m., Chairperson Nakanishi adjourned the meeting of the City of Lodi Redevelopment Agency and reconvened the City Council meeting – All present.

M. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Land announced that former City Clerk Alice Reimche is being inducted into the Lodi Community Hall of Fame on September 22. He stated that he could not think of anyone more deserving than Ms. Reimche who served the City for many years and retired twice. He encouraged others to attend the event.

Mr. Land commented on Item E-6, noting that after 25 years, the Hutchins Street median will soon be completed with the inclusion of a left-hand turn into the Vineyard shopping center.

Mr. Land reported that a letter was received from the Lodi News-Sentinel, in which Rich Hanner expressed his appreciation for the courtesy shown by the Lodi Fire Department to the City Editor, reporter Jennifer Bonnett, and to the Chief Photographer, in helping them cover the recent strike team action.

- Council Member Hitchcock also commented on Ms. Reimche being inducted into the Lodi Community Hall of Fame and recommended that City staff and Council Members, current and past, attend the ceremony.

Ms. Hitchcock asked City Attorney Hays to place on a future City Council agenda, an update on the PCE/TCE situation, and commented that she has been hearing concerns from the public on the issue.

- Mayor Pro Tempore Pennino asked the City Manager to ensure that the west side of Hutchins Street is cleaned from Wimbledon Drive to Kettleman Lane.

N. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn made the following announcements:
 1. A Town Hall meeting is being planned for October 24, at which a number of water officials will be invited to give presentations.
 2. Council Member Howard's birthday is September 25.
 3. Community Center Director Charlene Lange's birthday is September 29.
 4. Finance Director Vicky McAthie's birthday is September 30.
 5. Council Member Hitchcock's birthday is October 3.
 6. Economic Development Coordinator Tony Goehring's 35th wedding anniversary is next Monday.
 7. Next Tuesday the Shirtsleeve Session topic is water fluoridation. Subsequent Shirtsleeve Session topics will include the Art In Public Places policy, and the waste removal contract.

O. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:48 p.m.

ATTEST:

Susan J. Blackston
City Clerk